

Sixth Appellate District

San Jose, California

MONDAY, MAY 4, 2009

H032542 RAMON v. COUNTY OF SANTA CLARA

The order is reversed. We remand the matter for further proceedings to give the trial court the opportunity to exercise its discretion to award attorney's fees incurred in opposing the amicus brief in *Allende* to Ramon. Ramon is entitled to costs on appeal and cross-appeal. (published)

(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 4, 2009

H032585 PEOPLE v. GARCIA

The challenged gang conditions are modified to eliminate the word "suspect" or "suspected" and the court condition is modified to provide: "You shall not be present at any court proceeding or at any courthouse where any known gang member is known to be present unless you are scheduled for a court hearing or you have the express permission of your Probation Officer." As modified, the order granting probation is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)

Filed May 4, 2009

H033581 PEOPLE v. LAUTAHA

(Filed modification of opinion with no change in the judgment.) (not published)

(Bamattre-Manoukian, Acting P.J., McAdams, J., Duffy, J.)

Filed May 4, 2009

TUESDAY, MAY 5, 2009

(no minute approved orders)

WEDNESDAY, MAY 6, 2009

H031968 PEOPLE v. SHAFFER

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 6, 2009

H030193 PEOPLE v. MORALES

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Mihara, J.)

Filed May 6, 2009

Sixth Appellate District

San Jose, California

Wednesday, May 6, 2009 (continued)

The following cases are submitted this date:

H031941 PEOPLE v. ENDERS  
H032851 PEOPLE v. GODINEZ  
H033250 PEOPLE v. CAMPOS  
H033327 PEOPLE v. GONZALEZ  
H033123 CHANDLER, et al. v. FAB ASSOCIATES, et al.  
H032806 PEOPLE v. ORR  
H033136 PEOPLE v. QUINTERO  
H033391 PEOPLE v. TUILEFANO  
H033686 PEOPLE v. RAMIREZ  
H033415 KHUU v. NGO  
H033163 PEOPLE v. LOPEZ  
H033493 PEOPLE v. BAGHERI

H032616 In re BAUTISTA on Habeas Corpus

The matter is remanded to the superior court with directions to modify its order granting Frank Joe Bautista's petition for writ of habeas corpus. The order shall be modified to direct the Board of Parole Hearings to vacate its July 31, 2007 parole decision and to conduct a new parole consideration hearing in accordance with due process and in light of decisions in *In re Lawrence, supra*, 44 Cal.4th 1181 and *In re Shaputis, supra*, 44 Cal.4th 1241, including consideration of all relevant statutory factors as required by California Code of Regulations, title 15, section 281, subdivision (b). As modified, the order is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed May 6, 2009

H033250 PEOPLE v. CAMPOS

The appeal is dismissed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed May 6, 2009

THURSDAY, MAY 7, 2009

The following case is submitted this date:

H032815 PEOPLE v. MILLER

H033336 PEOPLE v. PIZARRO

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 7, 2009

Sixth Appellate District

San Jose, California

Thursday, May 7, 2009 (continued)

The following case is submitted this date:

H033829 V.M. v. SUPERIOR COURT

H033829 V.M. v. SUPERIOR COURT

The writ petition is denied. (not published)  
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 7, 2009

H033314 PEOPLE v. J. W.

The judgment is affirmed. (not published)  
(McAdams, J.; We concur: Rushing, P.J., Duffy, J.)  
Filed May 7, 2009

FRIDAY, MAY 8, 2009

H033327 PEOPLE v. GONZALES

The conditions of probation are modified as follows: The condition that appellant "Not drink or possess alcohol, stay away from places where it is sold" is deleted. The condition, "In the event you are deported, probation revert to non-reporting, do not re-enter the U.S. unless legally, any illegal entry into the U.S. will be deemed a violation of probation, upon re-entry to the U.S., you must report to the Probation Officer within 72 hours" is amended to read, "In the event you are deported, probation shall revert to nonreporting." As modified, the trial court's probation order is affirmed. (not published)  
(Elia, J.; We concur: Rushing, P.J., Premo, J.)  
Filed May 8, 2009